

1 A There were two people from the
2 Community Protection Unit of the Department of
3 Corrections that put -- that assembled all of
4 the information together that the committee
5 would get and they were part of the committee
6 as well.

7 Q Okay, when did the end of sentence
8 review board make the determination to use an
9 actuarial model for risk assessment?

10 A In 1997, as far as I can recall.

11 Q And how did that come to the
12 conclusion to adopt the model that they
13 ultimately adopted?

14 A They had a number of researchers
15 come out from the State of Minnesota. I
16 remember one of them was Steven Hewitt, who I
17 believe runs their sexual violent predator
18 program now.

19 But I do recall Steve Hewitt was
20 one and I believe -- although I'm not
21 absolutely positive, but I believe -- I was
22 going to say Mr. Epperson. But I don't think

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1 it was Mr. Epperson. It was somebody else
2 that was one of the authors of the tool.
3 There was several of them.

4 And they came out and they did a
5 presentation on the mensas. We talked about
6 including the razor, which is a assessment
7 that Carl Hanson, who just mentioned a little
8 while ago had put together. And that was
9 viewed as being a pretty good indicator.

10 And so Washington State decided
11 that we were going to take the mensas and the
12 raiser and put them together, include some
13 notification considerations that meant that if
14 you met either two or three of these
15 notification considerations you were going to
16 be a Level 2 or a Level 3 regardless of what
17 the actuarial model said. And that's how they
18 came up with it.

19 In 1997 the mensas was fairly new
20 and at that point in time was relatively state
21 of the art. It certainly is not now.

22 Q You used the term regarding the

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1 razor that it was -- I can't remember the
2 exact term. Essentially that it was viewed
3 favorably. Viewed favorably by whom?

4 A By the treatment community.

5 Q Okay, this was your -- this was the
6 committees understanding of the viewing the
7 treatment?

8 A Well I mean I attended all of the
9 conferences for the Association for Treatment
10 of Sexual Abusers where I'm a board member
11 now. And Carl Hanson, Andrew Harris, they do
12 seminars on their stuff all the time and speak
13 about these different things. And that was
14 the view of the treatment community.

15 Q Okay, do you believe that sex
16 offenders who are released back into the
17 community, that the community should provide
18 an infrastructure that facilitates their
19 successful reentry into the community?

20 A Absolutely.

21 Q Rather than contributing to
22 obstacles known to increase recidivism?

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1 A Absolutely.

2 Q And in your opinion released sex
3 offenders need stability?

4 A Yes they do.

5 Q They need stability in their work?

6 A Yes.

7 Q In their housing?

8 A Yes.

9 Q In their social life?

10 A Yes.

11 Q It's fair to say that sex offenders
12 need social support, right?

13 A Yes, you're quoting right from
14 PowerPoint slides I put together in some of my
15 presentations.

16 Q Exactly.

17 A Yes.

18 Q They need friends?

19 A Yes they do.

20 Q They need a support network?

21 A They do.

22 Q And they need an appropriate

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1 relationships?

2 A They do.

3 Q We should not place obstacles in
4 the path of sex offenders?

5 A Well undue obstacles. I mean if
6 we're going to place obstacles in front of
7 them there should be some basis for doing it.
8 Not just because they are a sex offender.

9 Q We probably not want sex offenders
10 to babysit?

11 A You probably would not want a child
12 sex offender babysitting children, that's
13 correct. However, it may be appropriate for
14 an adult sex offender.

15 Q That's a good point and we
16 shouldn't make it difficult for them to find
17 work?

18 A I'm sorry, you said we should?

19 Q We should not make it difficult for
20 them to find work?

21 A We should not as long as it's
22 appropriate work.

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1 Q And we shouldn't place obstacles in
2 the way of their appropriate association?

3 A That's correct.

4 Q And we should not place obstacles
5 that cause instability in their lives?

6 A That's correct.

7 Q Okay, because instability causes
8 one to feel out of control?

9 A Yes it can.

10 Q And you believe that sex offenses,
11 at least in large part result from an offender
12 feeling a lack of power or control?

13 A Well most sex offenses are crimes
14 of power and control. And so when you take
15 away a sex offenders ability to have a place
16 to live, have a job, you know they start
17 feeling like they are not in control of their
18 own life.

19 So what does a person do whose
20 crimes are of power and control when they have
21 no control over their own life. They take
22 power and control over somebody else's life

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1 and we end up having a reoffense.

2 Q Now, you're not an amateur radio
3 licensee are you?

4 A No sir I'm not.

5 Q You've never been a HAM?

6 A I've been a HAM, but not a HAM
7 operator.

8 Q Okay, you got me there. I'm
9 playing straight HAM. Is it fair to say
10 you're not familiar with Part 97 of the FCC
11 rules?

12 A That would be correct. I'm not
13 familiar with it.

14 Q And is it fair to say you've never
15 been to a HAM fest?

16 A Yes.

17 Q And is it fair to say you don't
18 know the procedures that HAMS follow when
19 using their radios?

20 A I do. The only thing I really know
21 about -- that I have had any personal dealings
22 with was my mother's best friends husband was

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1 a HAM operator. And I remember as a kid
2 sitting in his garage with him showing me how
3 to do the HAM radio.

4 But for some reason -- I mean this
5 was when I was really small, I still remember
6 his moniker, Willy Baker 6, Mike X-Ray Nancy,
7 because we always used to have to say that.
8 That's the only dealings or anything I know
9 about HAM radio.

10 Q So you're not familiar with the
11 operation of amateur repeaters?

12 A No.

13 Q And do you know the particulars of
14 how the amateur service purports to be self-
15 policing?

16 A No.

17 Q Have you heard that term self-
18 policing in terms of the amateur service
19 before?

20 A No.

21 Q Do you know whether transmissions
22 by amateurs are put out over the air where

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1 everyone with a radio tuned to the appropriate
2 frequency can hear them?

3 A Well based on -- like I told you
4 when I was a kid, that was one of the things
5 that he told us, me and my sisters when he did
6 this. Was that anybody who was tuned to that
7 frequency could hear the communications. So
8 that's the only reason why I know that.

9 Q So there's fair to say that there's
10 not privacy in terms of amateur transmissions?

11 A As far as I know.

12 Q Do you know that the FCC's amateur
13 rules require an amateur transmitting to
14 identify himself or herself by their call
15 sign?

16 A Again, I did know that just because
17 of my mother's best friends husband.

18 Q Okay, I think we established that
19 you know what a call sign is?

20 A Yes.

21 Q You don't think that amateur radio
22 is specifically directed towards minors do

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1 you?

2 A No.

3 Q Have you ever heard of a invention
4 called the internet?

5 A Yes.

6 Q The internet is -- is the internet
7 a modium that is often used by sex offenders?

8 A Yes it is.

9 Q How is it used?

10 A A lot of times sex offenders will
11 go into chat rooms posing as a youngster when
12 in fact they are 30, 40, 50 years old. But
13 they'll say that their 10, 11, 12, 13.

14 And it's used for the purposes of
15 grooming a child into thinking that this
16 person is okay. A meeting is sometimes set up
17 and then a sex offender acts.

18 Q And is it fair to say that with the
19 internet the offender can remain anonymous --
20 I can't say it, anonymous?

21 A Yes they can remain anonymous.

22 Q At least up until the time where he

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1 or she meets?

2 A Well they can remain anonymous to
3 a certain extent. On every transmission there
4 is a indicator that forensic detectives can
5 find what computer it actually came from.

6 But for all practical purposes,
7 other than those things that only police would
8 be able to find, or people you know who do
9 this forensic stuff for a business, people in
10 the public the person is anonymous.

11 Q Once you know who or where to look
12 you can get a search warrant and track down
13 the internet transmissions, right?

14 A Yes.

15 Q But, there's no way to tell
16 otherwise, unless you have some basis to
17 suspect the person?

18 A That's correct.

19 Q Now part of your job is obviously
20 to investigate sex offenses?

21 A Yes sir.

22 Q Sex offenses against children?

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1 A Yes.

2 Q Are you the head of the Seattle Sex
3 Offender Unit?

4 A Of the Sex and Kidnaped Offender
5 Detail.

6 Q Okay, Seattle is the largest
7 jurisdiction in the State of Washington in the
8 terms of population?

9 A Yes it is.

10 Q Is it fair to say you've
11 investigated hundreds of sex offenses against
12 children?

13 A Yes.

14 Q Even in the thousands?

15 A That's I've investigated?

16 Q Yes.

17 A No, it's probably 300 or so because
18 once I took over the duties as the Lead
19 Detective in the Sex and Kidnaping Offender
20 Detail I really don't investigate sex crimes
21 anymore unless one of the sex crimes
22 detectives comes and asks for assistance.

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1 Q Do you supervise the detectives who
2 do investigate those offenses?

3 A No, there's other supervisors who
4 do that.

5 Q Okay, would you be one of the more
6 experienced sex offender investigators in the
7 State of Washington?

8 A Yes.

9 Q In the country?

10 A Well for community notification and
11 sex offender registration and community
12 education, yes.

13 Q Okay, have you investigated cases
14 where sex offenders used the internet to seek
15 out their victims?

16 A We have a unit that does that
17 specifically.

18 Q Is it fair to say that that is a
19 common way that sex offenders find their
20 victims?

21 A Yes.

22 Q No FCC license is required to use

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1 the internet. Isn't that right?

2 A That's true.

3 Q Now, in the hundreds of cases that
4 you've dealt with is it fair to say that
5 complete and accurate paperwork is important?

6 A Yes.

7 Q And is it fair to say that the
8 Seattle Police Department keeps a file on all
9 sex offenders registered in it's jurisdiction?

10 A Yes, either paper or electronic.

11 Q And are you the ultimate custodian
12 of those files?

13 A We have those files in our unit.
14 However, the ultimate custodian is the head of
15 the records section for the police department.

16 Q Okay, and does someone go through
17 those files periodically and throw away papers
18 because they are old or you don't have enough
19 room to keep them?

20 A That's one of the reasons why we
21 went into electronic so if we don't have the
22 paper problems anymore because we did have

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1 many file cabinets full. And we finally said
2 look, we got to have some money to do this
3 electronically and they did it.

4 Q And you went to electronic files
5 because you didn't want to remove paperwork
6 from those files?

7 A Well Washington State law doesn't
8 allow us to.

9 Q Okay, so would it be true with Mr.
10 Titus that you provided everything in this
11 file?

12 A Other than his sex offender
13 registrations.

14 Q Okay, and that would be what you
15 provided that has been marked as Enforcement
16 Bureau Exhibit 4?

17 A Yes.

18 Q And that's Mr. Titus' complete file
19 maintained by the Seattle Police Department?

20 A Other than his sex offender
21 registrations.

22 Q Okay, and other than his

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1 registrations you didn't exclude anything?

2 A No.

3 Q And to your knowledge nothing has
4 been thrown away or purged from the file?

5 A No.

6 Q We mentioned the internet. Are
7 there other significant sources of victim
8 access for sex offenders?

9 A Places where children tend to
10 congregate. Pools, you know little leagues,
11 football, Pop-Warner football type events,
12 soccer events, any place where children tend
13 to hang out, arcades.

14 Q Anything else come to your mind?

15 A Well, I mean the list is just about
16 any place where -- schools, day cares, just
17 about any place where a child would be hanging
18 out you've got the potential for sex offenders
19 being there.

20 Q Okay, let's talk about amateur
21 radio again. Now, of the hundreds of sex
22 offenses against children that you personally

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1 investigated how many of them involved an
2 amateur radio operator who used his hobby to
3 attract his victim?

4 A None.

5 Q Not a single one you can think of?

6 A No, not that I've investigated.

7 Q Have you ever even heard of a case
8 of a sex offender using amateur radio to find
9 or groom his victim?

10 A Can't recall any off the top of my
11 head. I know I've had some long haul truckers
12 that have used CB radio. And I don't know if
13 that's the same or different or whatever. But
14 I don't recall off the top of my head any case
15 that either I've investigated or our unit has
16 investigated where it's been a HAM radio
17 operator.

18 Q So, it would be fair to say
19 wouldn't that from your experience, compared
20 to the internet amateur radio is not a
21 significant source of victim access for sex
22 offenders?

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1 A Not that I'm aware of.

2 Q Or even compared to any of the
3 other victims access sources that you
4 mentioned, right?

5 A That would be correct.

6 Q Now the evidence does show that
7 some children are involved in amateur radio.
8 Since you haven't heard the evidence I'll just
9 make that a preliminary point.

10 Yet you've indicated in your
11 testimony that you think it's important for
12 the FCC to revoke Mr. Titus' amateur radio
13 license because amateur radio could be a
14 source of victim access?

15 A Could be.

16 Q Even though you know of no instance
17 of amateur radio being a source of victim
18 access?

19 A Doesn't mean it's not happened.
20 Just means I don't know about it.

21 Q Can you think of any law
22 enforcement officer with more experience in

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1 this area, or better qualifications than you
2 that we could put that question to?

3 A Specifically the HAM radio stuff?

4 Q Yes.

5 A I don't know of anybody that would
6 have that experience.

7 Q Now, I take it from your previous
8 answers that you know of no instance of Mr.
9 Titus using his amateur radio operation to
10 attract a minor, is that correct?

11 A That's correct, I don't know of
12 any.

13 Q Now minors ride city buses don't
14 they?

15 A Yes they do.

16 Q You wouldn't try to prevent Mr.
17 Titus from riding a city bus just because
18 minors might be riding the bus as well would
19 you?

20 A No, but what their trained when
21 they go to the sex offender treatment program
22 is that if there is a minor that gets on the

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1 bus near them that they get up and move to
2 another part of the bus. They are not in the
3 same part of the bus as the minor.

4 Q One of the reasons for that is to
5 avoid even the appearance of impropriety,
6 right?

7 A Well that's correct. It's for the
8 offenders well-being as well as for the child.

9 Q So if you were to apply that
10 concept to amateur radio would you counsel a
11 sex offender, that if he knows a minor is on
12 the radio that he shouldn't talk to them?

13 A That's exactly what I would
14 counsel.

15 Q And minors eat in restaurants?

16 A Yes they do.

17 Q But you wouldn't suggest that Mr.
18 Titus should avoid eating in restaurants
19 because minors might be present?

20 A No, usually the minors if their
21 eating in restaurants have parents with them
22 while their eating. So I mean there's

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1 somebody that's actually in a supervisory
2 position over the minor that is able to watch
3 out for them.

4 Q Minors go to libraries too as well,
5 don't they?

6 A Yes they do.

7 Q You wouldn't try to prevent Mr.
8 Titus from going to a library just because
9 minors might be there?

10 A Probably wouldn't be too
11 comfortable with him sitting in the children's
12 section of the library.

13 Q I bet he wouldn't be comfortable
14 doing that either. So that we don't belabor
15 the point. It's fair to say isn't it that
16 virtually every human endeavor may involve
17 minors, although we specifically do exclude
18 them from liquor stores, bars, and adult
19 entertainment establishments?

20 A Yes.

21 Q Now, with respect to persons who
22 have been convicted of sex offenses it's

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1 certainly a good idea that we don't put them
2 in a position where they are supervising them.
3 Such as a school bus driver, or a teacher, or
4 a nanny?

5 A I would agree with that.

6 Q But it would be fair to say that
7 you don't believe that we should try to
8 exclude sex offenders from the bulk of human
9 activity, because in doing so we hinder their
10 opportunity for integration into the community
11 don't we?

12 A I would say that as long as --

13 MR. KNOWLES-KELLETT: I objection,
14 Your Honor. I am not sure I understand the
15 question.

16 MR. LYON: Well let me rephrase the
17 question because I think you're right about
18 that.

19 BY MR. LYON:

20 Q It would be a fair characterization
21 of your opinion that we shouldn't be trying to
22 exclude sex offenders from each and every --

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1 or any particular human activity just because
2 minors -- and when I say sex offender I do
3 mean a sex offender against minors.

4 A Okay.

5 Q Because I won't ever remember to
6 say sex offender against minors each and every
7 time. I can assure you of that.

8 Let me try my question one more
9 time. It's a fair characterization of your
10 view that we should not be trying to exclude
11 sex offenders from various human activity just
12 because of the possibility that minors may be
13 present?

14 MR. KNOWLES-KELLETT: My problem
15 with the question is Your Honor, is I don't
16 know -- he's now lumping various activities.
17 He had specific activities and I was fine with
18 the question. If he just put various
19 activities and I don't know what he's talking
20 about.

21 MR. LYON: Let's say various
22 activities not involving the supervision and

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1 close contact with children.

2 JUDGE SIPPEL: You can answer that.

3 THE WITNESS: I can, I thought you
4 were going to say something.

5 JUDGE SIPPEL: Go ahead.

6 THE WITNESS: As long as the
7 activities are appropriate I think that you
8 know sex offenders need to be involved in
9 things.

10 For example, earlier I talked about
11 a sex offender who goes to Church. We want
12 them to go to Church. You know, I mean that's
13 something that's important for their spiritual
14 well-being as well as their mental well-being.

15 But we don't want them running the
16 youth group or being part of the youth group.
17 Go to Church, you know pray to God, take care
18 of your business, and then leave.

19 BY MR. LYON:

20 Q So it's fair to say that what we
21 should be after is to integrate the sex
22 offender back into the community?

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1 A That is something that we should be
2 after while minimizing the risk to the
3 community.

4 Q And fostering appropriate
5 relationships?

6 A Yes.

7 MR. LYON: Your Honor, I think
8 that's probably a good stopping point.

9 JUDGE SIPPPEL: Okay, we'll start at
10 9:30 a.m. tomorrow morning. You're under oath
11 detective until you are released as a witness.
12 So I ask you not to talk about your testimony
13 to anybody except of course the Bureau Counsel
14 and staff, all right.

15 And we are in recess then until
16 9:30 a.m. tomorrow morning. Mr. Titus, that
17 means 6:30 a.m. for you sir. Okay, thank you
18 off the record.

19 (Whereupon, the hearing was
20 adjourned at 5:27 p.m.)

21

22

CERTIFICATE OF REPORTER, TRANSCRIBER, AND PROOFREADER

David L. Titus

Name of Hearing

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Place of Hearing

July 16, 2008

Date of Hearing

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July 16, 2008

Samuel Wojack



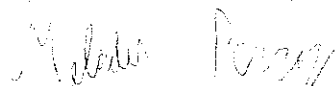
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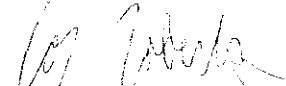
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